

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

2011 JUL 26 PM 2:43

DUBLIN DIVISION

CLERK C Adams
SO. DIST. OF GA.

DEWEY A. SIMS,

Plaintiff,

v.

CV 310-037

SHIRLEY HOLLOWAY, Unit Manager of
Units 600 and 700, Wheeler Correctional
Facility,

Defendant.

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed.¹ Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Defendant's motion for summary judgment is **GRANTED** (doc. no. 12), Plaintiff's case is **DISMISSED** without prejudice for failure to exhaust administrative remedies, an appropriate final judgment **SHALL BE ENTERED** in favor of Defendant, and this civil action shall be **CLOSED**.

SO ORDERED this 26th day of July, 2011, at Augusta, Georgia


UNITED STATES DISTRICT JUDGE

¹The Clerk of Court docketed Plaintiff's response to the Magistrate Judge's Report and Recommendation as objections. (Doc. no. 17.) In that filing, Plaintiff states, *inter alia*, "Notwithstanding, dismissal won't be opposed by Plaintiff on the grounds that he failed to exhaust available administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a)." Thus, although Plaintiff may not agree with the way he was treated by Defendant during the events forming the basis for his complaint, he has no disagreement with the analysis of the Magistrate Judge regarding exhaustion of administrative remedies.